

FILED

JAN 24 2008

HEARING BOARD
BAY AREA AIR QUALITY
MANAGEMENT DISTRICT

Vanessa Johnson
Acting Clerk
Hearing Board
Bay Area Air Quality
Management District

BEFORE THE HEARING BOARD
OF THE
BAY AREA AIR QUALITY MANAGEMENT DISTRICT
STATE OF CALIFORNIA

In the Matter of the Application of)
)
VALERO REFINING COMPANY -) No. 3547
CALIFORNIA)
) ORDER DENYING
For a Variance from Regulation 8,) EMERGENCY VARIANCE
Rule 5, Section 304, 320, 322 AND 328)

The above-entitled matter, being an Application for Variance from the provisions of Regulations 8-5-304 (including reference to 8-5-320, 8-5-321 and 8-5-322) and 8-5-328, having been filed on January 8, 2008 at 4:00 p.m., and having been considered by the Hearing Board:

THE HEARING BOARD STATES as the reasons for its decision and FINDS as to those matters in which findings are required:

1. Applicant filed this Application for Variance under the Emergency Variance procedures, Hearing Board Rules, Section 2.5. Pursuant to Health and Safety Code Sections 42359 and 42359.5, the Hearing Board determined that this Application properly could be ruled upon without notice and hearing. Prior to making this determination, and in accordance with Hearing Board Rules Section 2.5.d.2, the Hearing Board requested and received a response to this Application from the Air Pollution Control Officer. That response recommended the Emergency

1 Variance be denied due to insufficient information to adjudicate the variance and Air District staff's
2 indication of potential public nuisance.

3 2. Applicant operates petroleum refinery, 3400 East Second Street, Benicia, CA
4 94510.

5 3. On January 8, 2008, a tank roof drain on the roof of Tk-1795 drains storm water
6 from the roof of the tank to the ground. Normal operating procedure requires the tank roof drain to
7 remain open to prevent storm water from pooling on the roof. The roof drain is isolated from the
8 tank contents and thus should only contact storm water from the tank roof, and not the contents of
9 the tank. On the morning of January 8, 2008, during normal daily rounds, a refinery technician
10 noticed a small amount of oil (approximately one quart) at the roof drain, potentially indicating
11 that there was oil on the roof. Applicant discovered that several of the pontoons on the roof of Tk-
12 1795, which enable the roof to "float," were filled with liquid and the roof was submerged. As a
13 result, Applicant was unable to comply with the applicable regulation.

14 4. Diana J. Graves, Senior Associate, representing the Applicant, estimated this
15 defect can be repaired by February 7, 2008.

16 5. Information provided to the Hearing Board is insufficient to justify granting a
17 Variance without a hearing. This variance request has been denied.

18 6. In accordance with Section 2.5.e of the Hearing Board Rules, Applicant may
19 submit a written Application for Variance by January 24, 2008.

20 THEREFORE, THE HEARING BOARD ORDERS:

21 A Variance from Regulation 8-5-304 (including reference to 8-5-320, 8-5-321 and
22 8-5-322) and 8-5-328 be and is hereby denied.

23 DATED: January 17, 2008

24
25 
26 Christian Colline, P.E.